

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BARRY MEHLER,

Plaintiff,

vs.

Case No. 1:22-CV-00071

Hon. Jane M. Beckering

Hon. Magistrate Judge Ray Kent

FERRIS STATE UNIVERSITY, DAVID L. EISLER, individually and in his official capacity as President of Ferris State University; RANDY CAGLE, individually and in his official capacity as Dean of Ferris State University's College of Arts, Sciences and Education; FERRIS STATE UNIVERSITY BOARD OF TRUSTEES; and AMNA P. SIEBOLD, ANNA L. RAMIREZ-SAENZ, RUPESH K. SRIVASTAVA, LASHANDA R. THOMAS, GEORGE K. HEARTWELL, KURT A. HOFMAN, and RONALD E. SNEAD, in their Official Capacities as Trustees of Ferris State University's Board of Trustees,

Defendants.

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AFFIDAVIT OF MARK HUTCHINSON

EXHIBIT 6 TO ECF [12]

AFFIDAVIT OF MARK HUTCHINSON

STATE OF MICHIGAN)
) §
COUNTY OF MECOSTA)

Dr. Mark Hutchinson, Assistant Professor, Health Administration and Health Information at Ferris State University, being duly sworn, deposes and states as follows:

1. I am employed by Ferris State University as a tenured Associate Professor in the College of Health Professions.

2. Professor Barry Mehler is a faculty member of the College of Arts, Sciences and Education.

3. My son is a 20 old student at Ferris State University and was enrolled in History 122 for the Spring 2022 semester, which was being taught by Professor Mehler.

4. On January 9, 2022 my son contacted me about a video he was sent via a Canvas email from Professor Mehler. My son was shocked and could not believe a Professor would send his students a video of that nature. In particular, he complained about the vulgar language used in the video and was offended by Dr. Mehler addressing him as a “cocksucker.”

5. I, like my son, was also upset by the video. I thought, “how dare you call my son, who you don’t know, those names.”

6. After viewing the video, and reflecting on my Title IX training, I felt compelled as a mandatory reporter to report Professor Mehler’s use of inappropriate language in the video in case it fell under Title IX.


7. That evening, I made a report regarding Professor Mehler and his video to my Department Chair, Sheila MacEachron.

8. That evening, I also assisted my son in disenrolling from the class and enrolling in an alternative course, at his request.

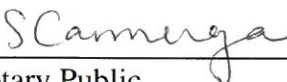
9. The next day, I went to my Dean, Lincoln Gibbs PhD, and showed him the video.

I declare under penalty of perjury that the forgoing is true and correct.

Executed on March 2, 2022


Mark Hutchinson

Subscribed and sworn to before me
This 2nd day of March, 2022


Notary Public
Michigan, County, Mecosta
My Commission expires: 1/7/2028